REMARKS

Claims 3, 5-9, 11-15, and 17-23 are pending in the Application. In the Office Action mailed July 23, 1998, claims 3, 5-9, 11-15, and 17-20 were allowed. The Examiner rejected claims 21 and 23 under 35 U.S.C. §112, and further rejected claims 21 and 22 under 35 U.S.C. §102(e). Responsive to the aforementioned Office Action, claims 21 and 23 have been amended by the present communication. Reconsideration of the Application in view of the following remarks is respectfully requested.

Rejections Under 35 U.S.C. §112

Claim 21 was rejected under 35 U.S.C. §112, first paragraph, as unsupported by the specification. Specifically, the Examiner asserted on pp. 2-3 of the Office Action that the specification does not provide support for "an imaging device for generating raw image data responsive to an image capture request; a memory buffer for initially storing the raw image data; [and] first routines for conveying the initially stored raw image data away from the frame buffer to a second memory location to provide space for storing additional, subsequently captured images" as is recited in claim 21. Applicants respectfully traverse this rejection.

With respect to the imaging device element of the claim, the Examiner's attention is directed to FIG. 2, and page 10, lines 1-4 of the specification, which depict and describe an imaging device, including a lens and an image sensor which generates image data responsive to an imaging request.

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With respect to the memory buffer element, the Examiner's attention is respectfully directed to FIG. 4 and page 12, line 18 to page 13, line 4 of the specification, which clearly depict and describe a buffer for initial storage of image data.

With respect to the first routines element, the Examiner's attention is respectfully directed to FIGS. 5-7 and page 16, lines 10-16 of the specification, which depict and describe various spoolers. The spoolers are defined as routines for transferring data from one device to a second device. In particular, the routine embodied by RAM spooler 1 (84) is shown in FIG. 7 to perform the function of transferring data from the frame buffer 70 to the RAM disk 74. While the term "first routines" is not employed in the specification in reference to the function of transferring data from the buffer to a second storage location (e.g., a RAM disk), Applicants submit that a person having ordinary skill in the art would easily recognize that this term, as recited in claim 21, refers to the spoolers described in the specification and depicted in the figures. The Examiner is respectfully reminded that it is well-settled law that the invention claimed need not be described *ipsis verbis* in order to satisfy the disclosure requirement of §112. Ex parte Holt, 19 U.S.P.Q. 2d 1211, 1213 (B.P.A.I. 1991).

Since all of the elements of claim 21 are clearly supported by the specification, withdrawal of the §112 rejection is believed to be proper, and is respectfully requested.

Claim 23 was rejected under §112, second paragraph, for the erroneous inclusion of the phrase "the routine for compressing raw image data has priority over the routine for compressing raw image data", rendering the claim indefinite. The foregoing phrase

has been deleted from the claim. Thus, withdrawal of the §112 rejection, as applied to claim 23, is believed to be in order.

<center>Rejections Under 35 U.S.C. §102(e)</center>

Claims 21 and 22 were rejected under §102(e) as being anticipated by U.S. Pat. No. 5,633,678 to Parulski et al. Applicants respectfully traverse these rejections as applied to the amended claims.

It is submitted that independent claim 21, from which claims 22 and 23 depend, recites elements neither anticipated nor suggested by Parulski et al. Specifically, claim 21 recites, inter alia:

> first routines for conveying the initially stored raw image data away from the frame buffer to a second memory location to provide space for storing additional, subsequently captured images, *wherein the raw image data is stored in uncompressed form in the second memory location;* [and]
> second routines for processing said raw image data and for storing said processed image data[.]

Parulski et al. fails to disclose first routines for conveying raw image data away from the frame buffer for storage, in uncompressed form, in a second memory location prior to processing of the image data. The Examiner relies on column 4, lines 23+ of Parulski et al. for the teaching of providing first routines for conveying raw image data away from the buffer. The cited passage, however, does not disclose storing the raw image data in uncompressed form in a second storage location. Rather, Parulski et al. teaches that once a certain amount of digital image data has accumulated in the buffer, the stored data is applied to a digital signal processor for compression thereby. Because Parulski et al. does not disclose first routines for conveying raw image data away from

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the frame buffer for storage in uncompressed form in a second storage location, withdrawal of the rejections under §102(e) are submitted to be proper.

Furthermore, Parulski et al. fails to provide any motivation for providing the above-described claim element. As is described throughout the present specification, the claimed invention provides the benefit of selectively delaying the time-intensive steps of image compression and processing, thereby allowing a higher image capture rate. Parulski does not address the desirability of delaying image compression and processing in this manner. Therefore, Applicants submit that the elements of claim 21 are not suggested in any manner by Parulski et al.

With respect to claim 22, the Examiner cited column 4, lines 41+ of Parulski et al. for the teaching of conveying the raw image data from a frame buffer to a RAM disk. Applicants respectfully traverse this assertion. Parulski fails to teach storage of raw image data in a second storage location. Rather, he only teaches a memory card (24) for storage of processed image data. Furthermore, the "algorithm memory" (28) to which the Examiner refers is configured to store "algorithms and other operating code" (col. 4, lines 27-29), not image data. Thus, claim 22 is not anticipated by Parulski et al., and withdrawal of the §102 rejection is requested.

Conclusion

For at least the reasons set forth above, Applicants submit that all claims now pending in the Application are in condition for allowance, and such action is respectfully requested.

If the Examiner has any questions regarding the Application, a telephone call to the undersigned Applicants' representative would be welcomed.

Respectfully,

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